IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 21152 of 2005

Between:

Ch. Venkata Kishtaiah

..... PETITIONER

AND

Assistant Commissioner of Endowments,

Nellore, Nellore District and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in conducting auction dated 07.10.2005 by making 'Tom Tom' without issuing any notice, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The learned counsel for the petitioner contended that the father of the petitioner was the tenant of the 2nd respondent in respect of the lands to an extent of Ac.1.85 cents situated in Sy.No.298 of Patur village, Kovvur Mandal, and after demise of his father, the petitioner has been continuing as tenant of the said land by paying requisite Maktha. He further contended that after formation of trust board, the 1st respondent without verifying the records, insisting the petitioner to vacate the subject land and also without giving any prior notice or opportunity, going to conduct auction to the lands in question on 07.10.2005, and hence, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Endowments contended that there is no lease subsisting in between the 2nd respondent and the petitioner, and the petitioner has no right to challenge the auction notification, and hence, he prays to dismiss the writ petition.

It is not in dispute that the father of the petitioner was the tenant of the 2nd respondent for certain extent of land. After demise of the father of the petitioner, no proceedings have been issued by the respondents, recognizing the petitioner as tenant of the lands in question. Therefore, the petitioner has no right to continue in the subject lands and he has also no right to stall the auction proceedings. The writ petition is devoid of merit and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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K.C. BHANU,J

Dated: 28.09.2005

Dsr